ZONING BOARD OF APPEALS Tuesday, April 17, 2007

6:30 P.M. – City Council Chambers Rockford City Hall, 425 East State Street

Present:

ZBA Members: Tom Morgan, Chairman

Alice Howard Fred Money David Peterson Tom Przytulski, Jr. Dan Roszkowski

Absent: William Orr

Staff: Todd Cagnoni – Manager of Current Planning

Sandra Hawthorne – Administrative Assistant Jon Hollander – City Engineer, Public Works Kerry Partridge – City Attorney, Legal Department

Mark Marinaro – Fire Department

Alderman Frank Beach

Others: Kathy Berg, Stenographer

Applicants and Interested Parties

The meeting started at 6:30 P.M. A **MOTION** was made by Fred Money to **APPROVE** the minutes of the March 20, 2007 meeting as submitted. The Motion was **SECONDED** by Tom Przytulski and **CARRIED** by a vote of 6-0.

011-07 2637, 2641, 2643 11th StreetApplicant Don Sheppard

Applicant Ward 6

(A) Special Use Permit for a Performance Use consisting

of a fast-food restaurant with a drive-thru window that can not meet the required minimum distance of 600 feet from a residential district

- **(B) Variation** to reduce the perimeter landscape strip from the required 10 feet to 8.5 feet along Alton Avenue
- (C) Variation to reduce the perimeter landscape strip from the required 10 feet to 8 feet along 11th Street
- (D) Variation to eliminate the required open green space
- **(E) Variation** to eliminate the required landscape buffer along the alley in a C-3, Commercial General District

Laid Over from March, 2007 Meeting

This property is located on the northwest corner of 11th Street and Alton Avenue and is currently a used car lot, auto repair shop and parking lot. Mr. Cagnoni explained the requests for Variations as submitted on the original application have been modified as a result of the Applicant and Staff working together over the past several weeks to accomplish the Applicant's development with the least amount of Variations necessary. Changes to the plan have been made to incorporate the 4' open green space along the north property line, to add a 6 foot sight obscuring fence along the alley, increase the landscaping strip along Alton Avenue and to allow for the development in general to better comply with City ordinance requirements. Mr. Cagnoni reviewed Staff conditions of approval, which include a revised site plan that allows a bypass lane on to the alley as well as improvement to the alley.

Attorney Tom Meyer and Don Sheppard representing Taco Johns reviewed the application. Attorney Meyer reiterated the drive thru escape lane will have access to the alley and that the Applicant is agreeable to the open space and landscaping requirements. He reiterated that the modification of the application eliminated the request for Variation B, D, and E, and to modify Variation C to 8.5 feet along 11th Street.

Staff Recommendation was for Approval of the Special Use Permit and Variation C as modified, with 3 conditions. Objectors were present.

<u>Walter Potter, 2702 Lapay Street</u> was concerned with traffic pulling out on 11th Street, as well as trash resulting from this fast food restaurant. He stated his feelings that the Applicant could go down the street about two blocks to establish his business.

<u>Brent Stovall, 1504 Alton Avenue</u> was present as a representative of his mother who lives behind the subject property. He also expressed concern with traffic, accidents the additional traffic may cause, vehicle lights and the sound level of the drive thru speaker.

<u>Wayne Gialberto, 2644 Lapay Street</u> stated he lives behind the Applicant's property. He stated he has three children and a dog and cannot afford to put in a privacy fence. Mr. Gialberto pointed out that some of the neighbors work nights and is concerned about the noise level both day and evening. He is also concerned with garbage that blows into the residential area.

In response, Attorney Meyer stated a privacy fence is proposed that will be 4 feet high for a short distance within the sight triangle area, but will then increase to 6 feet. Mr. Sheppard stated that Taco Johns establishments requires their properties to be cleared of debris every half hour. He stated there a several taller pine trees along the walk-in coolers that will buffer sound from the drive thru speaker. He stated hours of operation will be from 6:00 AM to Midnight. Mr. Sheppard also explained that the average time for a vehicle to order and exit the drive thru was 23 seconds. He stated his willingness to build a privacy fence on the property facing the residential area.

During Board discussion, Dan Roszkowski felt the biggest problem was having the bypass through the alley because of the closeness of the residential area. Mr. Cagnoni stated if the Board felt the bypass lane was not necessary, Staff was agreeable to eliminating it. He explained that other site constraints could be worked with to counteract the elimination of the proposed bypass lane. The Board wished to add 3 conditions: that the bypass lane to the alley be eliminated, that the sight-obscuring fence and landscaping be extended to the northernmost property line, and that the hours of operation be limited to 6:00 AM to Midnight.

A **MOTION** was made by Fred Money to **APPROVE** the modified application of a Special Use Permit for a Performance Use consisting of a fast-food restaurant with a drive-thru window that can not meet the required minimum distance of 600 feet from a residential district and to **APPROVE** the Variation to reduce the perimeter landscape strip from the required 10 feet to 8.5 feet along 11th Street in a C-3, Commercial General Zoning District at 2637, 2641, 2643 11th Street with 3 added conditions. The Motion was **SECONDED** by Tom Przytulski and **CARRIED** by a vote of 6-0. Approval is subject to the following conditions:

- 1. Meeting all applicable Building and Fire codes.
- 2. Submittal of a revised site plan including the dumpster location to match the design of the building.
- 3. Submittal of a detailed landscaping plan including an elevation of the proposed fencing.
- 4. The bypass lane to the alley shall be eliminated.
- 5. That the sight-obscuring fence and landscaping shall be extended north along alley to the northernmost property line.
- 5. Hours of operation shall be limited to 6:00 A.M. to Midnight

ZBA 011-07

Findings of Fact for a Special Use Permit For a Performance Use Consisting of a Fast-Food Restaurant with a Drive-Thru Window That Can Not Meet the Required Minimum Distance of 600 Feet From a Residential District
In a C-3, Commercial General District at 2637, 2641, 2643 11th Street

Approval of this Special Use Permit is based upon the following findings:

- 1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
- 2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- 3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
- 4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
- 5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
- 6. The special use shall, in all other respects, conform to the applicable regulations of the C-3 Zoning District in which it is located.

ZBA 011-07 Findings of Fact for a Variation To Reduce the Perimeter Landscape Strip From the Required 10 Feet to 8.5 Feet Along 11th Street In a C-3, Commercial General District at 2637, 2641, 2643 11th Street

Approval of this Variation is based upon the following findings:

- 1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
- 2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
- 3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
- 4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
- 5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

- 6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
- 7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

019-07 <u>224 South Gardiner Avenue</u>

Applicant Randy J. Weber

Ward 2 Special Use Permit for a Planned Residential Development

consisting of a three-family residential apartment building in an R-2. Two-family

Residential District

The subject property is located on the east side of Gardiner Avenue, 100 feet north of 2nd Avenue. This application has been filed as a result of a Zoning Violation of an illegal conversion for a three-family apartment building. A request for Special Use Permit for a three-family apartment and parking Variation was denied in 1999 for the subject property. Randy Weber, Applicant, reviewed the request for Special Use Permit. He stated he purchased the property in 2004 and was unaware this was an illegal three family structure until November 2006, when he received a notice of zoning violation. He proposed to add an additional parking space if necessary.

Staff Recommendation was for Denial. Objectors were present.

Michael G. Phelps, 229 South Gardiner Avenue stated he lives across and one door south of the subject property. He expressed concerns of safety, traffic congestion and aesthetics, as well as parking issues, and the turnover of tenants that could occur. He stated they currently have plowing problems because of the vehicles that are parked on the street. He felt the Applicant's proposal of adding concrete to create a parking space does not seem aesthetically pleasing. He stated there are three properties across the street that park 7 vehicles on the street all the time.

In response, Mr. Weber stated he is willing to have tenants park in the garage and add an additional space in the back. He currently has three vehicles on the property, one of which parks in the street. Mr. Weber verified the attic apartment has two 48 x 42 inch windows. He is willing to address any building code issues. The rent for the first floor is \$600, the second floor rents for \$600, and the third floor attic space rents for \$550. The third floor is currently being rented. He explained the third floor attic space is a loft style apartment suitable for one person or a couple.

Mr. Cagnoni explained in this case the Planning/Zoning office took the lead in investigating the zoning violations with input from the Building Department. Mr. Morgan felt there would be a major investment financially to bring this third floor apartment up to code and that the Applicant might not recoup his investment.

A **MOTION** was made by Tom Przytulski to **DENY** the Special Use Permit for a Planned Residential Development consisting of a three-family residential apartment building in an R-2, Two-family Residential District at <u>224 South Gardiner Avenue</u>. The Motion was **SECONDED** by Alice Howard and **CARRIED** by a vote of 6-0.

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Findings of Fact for a Special Use Permit for a Planned Residential Development Consisting of a Three-Family Residential Apartment Building In an R-2, Two-Family Residential District at 224 South Gardiner Avenue

Denial of this Special Use Permit is based upon the following findings:

- 1. The establishment, maintenance or operation of the Special Use Permit to allow a third unit will be detrimental to and endanger the public health, safety, morals, comfort or general welfare of the community because there are several building code requirements that need to be addressed prior to occupancy.
- 2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood.
- 3. The establishment of the special use to allow a third unit will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the R-2 district.
- 4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
- 5. Adequate measures have not been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets because the two-car detached garage has not been utilized for parking.
- 6. The special use to allow a third unit does not conform to the applicable regulations of the R-2 Zoning District as a permitted use and meeting the required density.

015-07 1007, 1127, 1129 North Alpine Road and

4591, 46XX, 4627, 4669, 4689, 4707, 48XX, 4921,

4875 Guilford Road

Applicant: Zachary S. Murphy

Ward 10 Special Use Permit for a Planned Residential Development

consisting of Commercial Retail, nine four-unit buildings and two three-unit buildings of Multi-family, and forty single-family residential units in a C-2, Commercial Community District, C-1, Limited Office District, R-2, Two-family Residential District and R-1, Single-

family Residential District

The subject property is located at the southeast corner of North Alpine Road and Guilford Road. Mike Kaspar and Zachary Murphy from Kaspar Murphy were present. Mr. Kaspar, representing Guilford Crossings LLC, reviewed the request for Special Use Permit. Mr. Murphy presented an enlarged site plan, explaining the proposal includes a continuation of the commercial area around the Walgreen's site and residential to the east. He stated parts of this property are heavily wooded and as many of the trees as possible will be maintained. In addition, the Applicant will try to replenish as many trees as will fit with the development. He further explained that the Commercial area has a 75 foot buffer adjacent to the residential area.

Staff Recommendation was for Approval with 13 conditions. Objectors were present.

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<u>Rafael Navarro, 4805 Guilford Road</u> stated his only objection is the concern with increased traffic at Guilford Road with the addition of the proposed residential area.

Marilyn Clifford, 4430 Alpine Court stated she did not have any objections to the development, but wished to ask about the breakdown of homes and condos in comparison to the density requirement of City Ordinance. Mr. Kaspar stated the proposed density was less that half of the density permitted by City Ordinance. Mr. Morgan asked the applicant to clarify that the estate and residential lots in this development were high end costs and not rental units, to which the Applicant agreed.

Jeff McKnight, 4855 Guilford Road expressed concern that the proposed access to Guilford appears to be about ten feet from his bedroom window. Mr. Kaspar explained that the entrance at Guilford was a gated entrance only. The turnaround area prior to the gate is to allow for any large vehicle that makes an incorrect turn onto this road and needs to turn around to exit. Mr. Kaspar explained to Mr. McKnight that

entrance only. The turnaround area prior to the gate is to allow for any large vehicle that makes an incorrect turn onto this road and needs to turn around to exit. Mr. Kaspar explained to Mr. McKnight that the grade between his lot and roadway will be taken into consideration and will be handled in such a way that it will not cause any erosion problems for Mr. McKnight's property. Mr. McKnight was also concerned with water drainage. Mr. Kaspar and Mr. Murphy explained the proposed development will include drainage solutions that will provide for water runoff.

Adam Prymak stated he was speaking on behalf of his sister who lives at 937 Bluecrest Drive. He asked

Adam Prymak stated he was speaking on behalf of his sister who lives at 937 Bluecrest Drive. He asked for verification of the Special Use. Mr. Kaspar explained the application included the width of the private streets, the gated community within itself, and some setbacks within the development. Mr. Cagnoni stated the configuration of the units within the condo development was reduced from 48 to 42. The size of the units was larger, but the number of units were reduced. Attorney Partridge stated once approved the development would need to be as submitted. Mr. Cagnoni explained the different types of Special Use Permits and Planned Mixed Use Developments allowed by Ordinance. He further stated that future lots are covered in the original pre-annexation agreement which restricts the number of uses that can be allowed in this particular development. The overall concept that is approved for this development will need to be followed under any future developer.

<u>Jim O'Brien</u> representing Margaret Wilson of 901 Bluecrest, asked if there would be a buffer between the existing residential on Bluecrest Drive and the proposed development. Mr. Cagnoni explained the area that is single-family abutting single-family did not require as much buffering because they were the same use. Mr. Morgan further clarified that this situation would be no different that any other single family lots in the City, where the homeowner could plant trees or construct fences if they so wished.

Mike Van Sistine, representing Mauh-Nah-Tee-See Country Club did not speak in objection of the project, but wished to clarify if for some reason this development did not occur, or developer did not complete the project and it changed hands, would the new owner be able to change the use. Mr. Cagnoni again stated any new owners would have to adhere to the original requirements set forth in the pre-annexation agreement requirements.

A **MOTION** was made by Tom Przytulski to **APPROVE** the Special Use Permit for a Planned Residential Development consisting of Commercial Retail, nine four-unit buildings and two three-unit buildings of Multi-family, and forty single-family residential units in a C-2, Commercial Community District, C-1, Limited Office District, R-2, Two-family Residential District and R-1, Single-family Residential District at 1007, 1127, 1129 North Alpine Road and 4591, 46XX, 4627, 4669, 4689, 4707, 48XX, 4921, 4875 Guilford Road. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 6-0. Approval is subject to the following conditions:

- 1. Meeting all applicable Building and Fire codes.
- 2. Conformance with the Annexation Agreement, Ordinance 2006-112-0, effective July 17, 2006.
- 3. Conformance with an approved Petition for Annexation of 4875 Guilford Road (12-20-227-027)
- 4. Substantial conformance with the commercial building elevations identified as exhibit E attached, by SEC Architects, dated December 11, 2006.
- 5. Substantial conformance with the multi-family building elevations identified as exhibit D attached, by SEC Architects, dated December 11, 2006.
- 6. Substantial conformance with the single-family residential building elevation identified as exhibit F attached, dated April 6, 2007.

- 7. Substantial conformance with landscaping plans for the site development of the commercial and multi-family portions submitted by the applicant dated December 11, 2006 by GNI Development, M. Buckler, identified as exhibit J.
- 8. Substantial conformance with the preservation of trees as submitted in preliminary tree preservation plan identified as exhibit G attached, but Arnold Lundgren & Associates, dated January 22, 2007.
- 9. Substantial conformance with the tentative plat submitted by the applicant identified as exhibit H attached, by Arnold Lundgren & Associates, dated January 22, 2007.
- 10. The gated portions shall be configured in a way such that the stacking of vehicles not spill out to Guilford Road. A mechanism to allow for quick access by emergency vehicles is required.
- 11. Decks or patios may be allowed within the required thirty (30') foot rear yard setback along the westerly property line adjacent to the western portion of the condominium development identified as exhibit K. The maximum allowable encroachment shall not exceed ten feet. The appropriate building permits must be obtained prior to construction.
- 12. As the site develops submittal of landscaping, signage, illumination, dumpster locations will be required for staff review and approval and meet all applicable codes and ordinances prior to issuance of building permit.
- 13. That a Tentative Plat and Final Plat is approved for the property in accordance with the City's Subdivision regulation inclusive of required public improvements prior to issuance of building permit and development of site.

ZBA 015-07

Findings of Fact for a Special Use Permit

For a Planned Mixed Use Development for Commercial and Residential Uses
In a C-2, Commercial, R-2, Two-Family and R-1 Districts at

1007, 1127, 1129 North Alpine Road and
4591, 46XX, 4627, 4669, 4689, 4707, 48XX, 4921, 4875 Guilford Road

Approval of this Special Use Permit is based upon the following findings:

- 1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
- 2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- 3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
- 4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
- 5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
- 6. The special use shall, in all other respects, conform to the applicable regulations of the C-2, R-2 and R-1 Zoning District in which it is located.

016-07 <u>115, 117, 119 South Central Avenue</u>

Applicant: Ray Rivera

Ward 13 Special Use Permit for a Planned Mixed-Use Development

consisting of a two-family residence, a fruit market/convenience store and a restaurant/café on a single lot in an R-1, Single-Family Residential District

This property is located one lot south of the southwest corner of Central and State Street. Rafael Rivera, representing the Applicant, reviewed the request. Mr. Cagnoni explained that the Applicant had applied for a fruit market/convenience store, restaurant/café, and an office in October of 2006, which was denied

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by City Council on December 18, 2006. The Applicant has discussed his proposal with the Alderman of the ward and with Staff, and is now applying for the market/convenience store, restaurant/café and existing residence with the elimination of the request for an office.

Staff Recommendation was for Approval with no conditions. No Objectors were present

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Special Use Permit for a Planned Mixed-Use Development consisting of a two-family residence, a fruit market/convenience store and a restaurant/café on a single lot in an R-1, Single-Family Residential District at 115, 117, 119 South Central Avenue. The Motion was **SECONDED** by Alice Howard and **CARRIED** by a vote of 6-0.

ZBA 016-07

Findings of Fact for a Special Use Permit
For a Planned Mixed-Use Development
Consisting of a Two-Family Residence, A Fruit Market/Convenience Store
And a Restaurant/Café in an R-1, Single-Family Residential District at
115, 117, 119 South Central

Approval of this Special Use Permit is based upon the following findings:

- 1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
- 2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- 3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
- 4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
- 5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
- 6. The special use shall, in all other respects, conform to the applicable regulations of the R-1, Single-family Residential Zoning District in which it is located.

017-07 304 Lafayette Avenue, 331 North Madison Street, and

409 North Madison Street

Applicant: Peter Riggs/Peter Stanfa/Joseph James Partners LLC

Ward 3 **Zoning Map Amendment** from City C-3 to City C-4, Commercial

Old Town District

The subject properties are located in the northeast and southeast quadrants of Lafayette Avenue and Madison Street. Peter Riggs, co-Applicant, 408 North 1st Street, reviewed the request for Zoning Map Amendment. Mr. Riggs explained this change would be the best use of the properties, and would keep with the City's recent change to C-4 zoning in the North Madison Street section.

Staff Recommendation was for Approval with no conditions.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Zoning Map Amendment from City C-3 to City C-4, Commercial Old Town District at <u>304 Lafayette Avenue</u>, <u>331 North Madison Street</u>, and <u>409 North Madison Street</u>. The Motion was **SECONDED** by Alice Howard and **CARRIED** by a vote of 6-0.

ZBA 017-07

Findings of Fact for a Zoning Map Amendment From C-3, Commercial General Zoning District to C-4, Commercial Old Town Zoning District at 304 Lafayette Avenue, 331 and 409 North Madison Street

Approval of this Zoning Map Amendment is based upon the following findings:

- 1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
 - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
 - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site: and
 - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood
- 2. The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as C, Commercial Retail Zoning District

018-0745XX Thompson Road (35th Street)Applicant:East Winnebago Development Corp.

Ward N/A Annexation Agreement and Zoning Map Amendment from

County AG to City R-1, Single-Family Residential District for Parcel I, and to C-2,

Commercial Community District for Parcel II

This property is located in unincorporated Winnebago County, south of bypass 20 and west of Alpine Road. Marvin Keys, representing First Rockford Group, reviewed the request for Annexation Agreement and Zoning Map Amendment. He explained that 39 acres would be rezoned to R-1, and 1.23 acres to C-2. The development would contain 112 single-family residential lots. At this time, the Applicant has no plans for the C-2 property.

Mr. Morgan asked Mr. Keys if the Applicant expected to come back before the Board requesting Variations to setbacks. Mr. Cagnoni explained the Tentative Plat will be attached to the Annexation Agreement when it comes before City Council and lot sizes will be shown and become part of the record at the time of approval. There will be the required landscaping and sidewalks throughout the development and on 35th Street. Building elevations need to be submitted, and the façade will be specified in the commercial portion of the development.

Staff Recommendation is for Approval with 3 conditions. One Objector was present.

<u>Pamela Wells, 4139 Linden</u>, stated she lives 6 houses down from the subject property. She is concerned that there will be commercial backing up to the rear of her property. She expressed discomfort that the Applicant cannot present a plan for the commercial area. She is not in disagreement with the residential aspect of this proposal. Mr. Cagnoni stated C-2 is retail and service uses, such as sandwich shop, strip mall, small restaurant and buffers would be required at the time of development. He further clarified that any liquor sales use would require a Special Use Permit to be approved by City Council. The vast majority of this C-2 development abuts C-2 property rather than residential.

<u>Donna Williams, 4727 35th Street</u> was not in objection to the development but asked if 35th Street would be widened. Public Works verified that it would not.

A **MOTION** was made by Alice Howard to **APPROVE** the Annexation Agreement and Zoning Map Amendment from County AG to City R-1, Single-Family Residential District for Parcel I and to C-2, Commercial Community District for Parcel II at <u>45XX Thompson Road (35th Street)</u>. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

- 1. The terms of the Annexation Agreement.
- 2. Submittal of a Tentative Plat and Final Plat for City review and approval.
- 3. Submittal of a front-building elevation plan for Staff review and approval.

With no further business to come before the Board, the meeting was adjourned at 8:10 P.M.

Respectfully submitted, Sandra A. Hawthorne, Administrative Assistant Planning and Zoning Division